

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CAPITOL RECORDS, INC., a Delaware Corporation; WARNER BROS. RECORDS, INC., a Delaware Corporation; ARISTA RECORDS, INC., a Delaware Corporation; BMG MUSIC, a New York general partnership; SONY MUSIC ENTERTAINMENT, INC., a Delaware Corporation; and UMG RECORDINGS, INC., a Delaware corporation,

Plaintiffs,

CIVIL ACTION No. 04-CV-40168 FDS

v.

JIM FITZPATRICK,

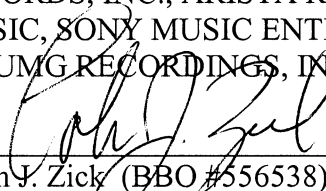
Defendant.

**PLAINTIFF'S CERTIFICATION PURSUANT TO LOCAL RULE 16.1**

Plaintiff hereby submits the following certification, pursuant to Local Rule 16.1 of the United States District Court for the District of Massachusetts:

The undersigned counsel and the undersigned authorized representative of Capitol Records, Inc., Warner Bros. Records, Inc., Arista Records, Inc., BMG Music, Sony Music Entertainment, Inc., and UMG Recordings, Inc., hereby affirm that they have conferred: (a) with a view to establishing a budget for the costs of conducting the full course -- and various alternative courses -- of this litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

CAPITOL RECORDS, INC., WARNER BROS. RECORDS, INC., ARISTA RECORDS, INC., BMG MUSIC, SONY MUSIC ENTERTAINMENT, INC., and UMG RECORDINGS, INC.,

  
Colin J. Zick (BBO #556538)

Gabriel M. Helmer (BBO #652640)

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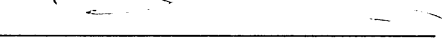
(617) 832-1000

ATTORNEYS FOR PLAINTIFFS

Dated: November 16, 2004

CAPITOL RECORDS, INC., WARNER BROS.  
RECORDS, INC., ARISTA RECORDS, INC., BMG  
MUSIC, SONY MUSIC ENTERTAINMENT, INC., and  
UMG RECORDINGS, INC.,

Dated: November 16, 2004

By:   
\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE OF PLAINTIFFS  
**Linda Zirkelbach, Esq.**